

Applicant: Richard L. Diller, et. al.

Agent: Consensus Planning

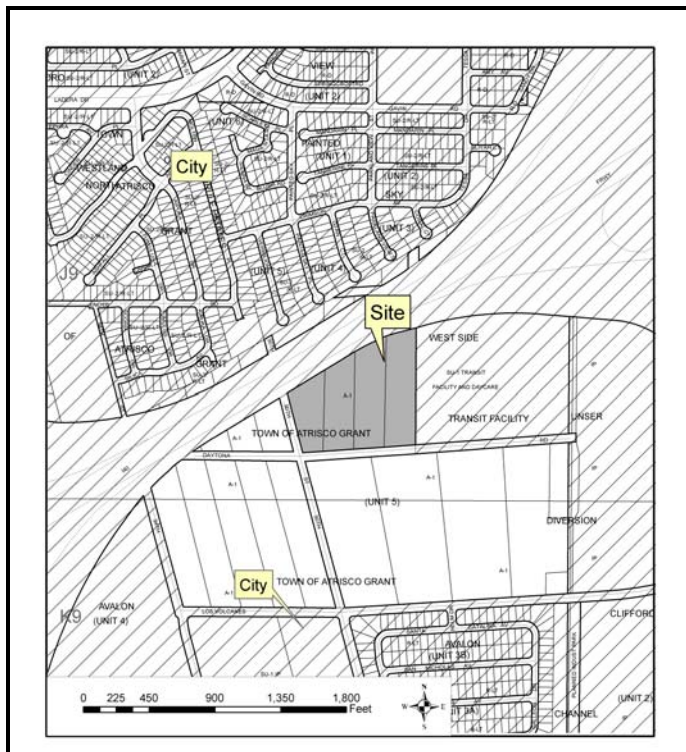
Location: Daytona Rd., NW, west of Unser Blvd.

Property Size: 12 acres (approximately)

Existing Zone: A-1

Proposed Zoning/SUP C-LI

Recommendation: Denial



Summary: This is a request for a zone map amendment from A-1 to C-LI on a 12 acre tract of land located west of Unser Blvd., south of I-40, and north of Central Ave. The property is located west of the Westside Transportation Facility (under construction) and office warehouse-type businesses nearby Unser Blvd., as well as residential developments, all in the City of Albuquerque. This request was deferred at the May 3, 2006 CPC hearing at the applicant's request. The request was originally for M-1 zoning on 5.16 acres, but the applicant has amended the request to C-LI zoning and to encompass two additional lots.

Staff Planner: Catherine VerEecke, Program Planner

Attachments:

1. Application
2. Zoning and Land Use Maps
3. Amended application and justification

Bernalillo County Departments and other agencies reviewed this application from 3/27/06 to 5/3/06 and from 6/27/06 to 7/10/06. Their comments were used in preparation of this report, and begin on Page 17.

AGENDA ITEM NO.: 13
County Planning Commission
August 2, 2006

CZ-60008 Consensus Planning, agent for Richard L. Diller, et.al., requests approval of a zone map amendment from A-1 to C-LI on Lots B-20, B-21, B-22 & B-23, located south of I-40 on the north east corner of Daytona Road and 90th Street, containing approximately 12 acres. (J-9) (DEFERRED FROM THE MAY 3, 2006 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
Site	A-1	Vacant
North	-----	I-40
South	A-1	Vacant
East	A-1	Transportation facility (under construction)
West	A-1 ---	Vacant I-40

Original Request for Zone Change to M-1

BACKGROUND:

The Request

The applicant is requesting a zone change from A-1 to M-1 on a 5.16 acre property located about three-quarters of a mile west of Unser Blvd., immediately south of I-40, and about two miles north of Central Ave. The property is within the Town of Atrisco Land Grant, Unit 5 and the Atrisco Park Community. It consists of two parcels and is currently vacant.

Request justification. The applicant's agent states the property is located within the Atrisco Business Park—Regional Employment Center, within a Community Activity Center (as designated in the Comprehensive Plan's Centers and Corridors Plan). M-1 zoning would fulfill goals of providing opportunities for economic development and business recruitment, as stated in the plans. It is also nearby the City's West Side Transit Facility. Accordingly, the applicant's agent believes this provides the primary basis for justification under Resolution 116-86. It would be more advantageous to the community by providing employment opportunities in the employment center, and it would not be a spot zone because it facilitates the realization of the Comprehensive Plan. The agent states that the proposed zone change will provide for stable land uses and that there are changed neighborhood conditions including a trend towards industrial uses nearby the site.

Surrounding Land Uses and Zoning

This property is located in a pocket (about 100 acres) of undeveloped land in unincorporated Bernalillo County surrounded by lands within the City's jurisdiction between Unser Blvd. and 98th St. The area in the County is zoned A-1 and consists of Atrisco Land Grant parcels ranging from about 1 to 10 acres.

To the west and southwest of the property within the City's jurisdiction, up to 98th St., properties have SU-IP zoning but are vacant. To the south of the County area, properties are developed with residential uses with R-LT zoning. Similarly on the north side of I-40, properties are developed with residential uses.

Further west beyond 98th St. more properties are within the County's jurisdiction. Those fronting 98th St. have travel related businesses. The Board of County Commissioners had earlier approved Special Use Permits (CZ 87-57, CZ 91-15) for a truck stop and restaurant (Flying J). Immediately south of the truck stop is a property with a hotel and rest area, which has been annexed into the City of Albuquerque. Beyond this area are mainly undeveloped 5 acre parcels of land in the County. In June, 2001, the Extraterritorial Land Use Commission voted to recommend denial of a request for a zone change from A-1 to M-1 to allow a contractor's yard with a watchman/caretaker's residence on a property to the west of 98th St. along Avalon Rd. (CZ-10008).

About 500 feet east of the site, the City's West Side Transit Center is being developed. This use was first approved in Bernalillo County (CZ-95-21) prior to annexation. To the east of this, east of Unser Blvd. a number of properties have office-warehouse types of uses under SU-1 (IP) zoning.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban area of the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, lifestyles, while creating a visually pleasing built environment.”

Policy b for the area states that the Developing Urban category shall allow a full range of urban land uses, resulting in an overall gross density of up to 5 units per acre.

Policy j states that new commercial development in Developing Urban areas should generally be located in existing commercially-zoned areas.

The Centers and Corridors Plan Map (adopted in 2002) within the Albuquerque/Bernalillo County Comprehensive Plan shows the subject property as about one-half mile from a ‘Major Activity Center,’ namely the Atrisco Park Business Center (see Attachment 2—Maps). This type of Center provides the most highly concentrated locations of commercial, service, and employment uses in conjunction with area-wide needs.

Policy 7.a (Activity Centers) states "Existing and proposed Activity Centers are designed by a by a Comprehensive Plan map where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost effectiveness of City services. Each activity center will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation."

Policy 7.e states new Activity Centers are designated and added to the Comprehensive Plan through local government review and approval based on specific criteria.

Policy 7.h states "Changing zoning to commercial, industrial or office uses for areas outside the designated Activity Centers is discouraged."

West Side Strategic Plan

The West Side Strategic Plan was adopted by the Bernalillo County Board of County Commissioner's in April 1998. The subject property is located in the Atrisco Park Community in the Plan, which is the triangular wedge of land located between I-40 and Central Avenue, to the west of Coors Blvd. It includes the Central Ave. “Gateway Area”. The eastern portion includes the Atrisco Business Park, and the west is the western gateway to the Albuquerque Metropolitan Area, with travel-related developments. The central portion includes largely undeveloped 5 acre tracts. Policy 3.31 of the Plan states that “It is appropriate for new development, both residential and non-residential, to occur in this community. Redevelopment efforts associated with the existing five acre tracts in this area shall be initiated.” The Plan states that these developments ought to occur in the form of planned communities.

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating applications for Zone Map changes and Special Use Permits.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or

special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a “strip zoning.” Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

NEW⇒

Section 15.5 C-LI Commercial/Light Industrial Zone

A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this section are the regulations in the Commercial/Light Industrial Zone. The purpose of this zone is primarily for community commercial uses, light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads. The regulations in this zone provide for the health, safety and welfare of the residents. The Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.

B. Use Regulations:

1. **Prohibited Uses.** The following uses are prohibited in this zone: Church and any residential use, except that each individual industrial use may provide accommodations for one security resident employed on the premises, provided that such accommodations are not used as rental property, and mixed use development as noted under Conditional Uses in this section.
2. **Permissive Uses.** A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
 - a. Amateur Radio Antenna/Tower up to 65 feet as measured from grade.
 - b. Arts and crafts objects retail sales, supplies plus their incidental creation.

- c. Automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, but no bodywork. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone. Storage of not more than five automobiles awaiting repair shall be permitted provided that the outdoor area in which such cars are stored shall be enclosed by a solid wall or fence at least six feet high.
- d. Auto parts and supply retail sales.
- e. Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail costs.
- f. Banking and loaning money.
- g. Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- h. Bottling plant.
- i. Books, magazines, newspapers, stationery for retail sales, but not an adult bookstore.
- j. Car wash.
- k. Clothing, shoes, dry goods for retail sales.
- l. Cold storage plant.
- m. Cosmetics, notions, hobby supplies for retail sales.
- n. Delivery service.
- o. Drive-thru facilities such as banks, drugstores, dry cleaners, restaurants and similar uses provided there is adequate on-site space for vehicle queuing and the vehicle movement plan is approved by the County.
- p. Drug store.
- q. Dry cleaning, laundry, clothes pressing, provided: Only nonflammable or noncombustible materials are used in the cleaning process.
- r. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.

- s. Foundry, casting of nonferrous metal, provided there shall be no fumes or odors discernible beyond the premises.
- t. Grocery Store.
- u. Health gymnasium.
- v. Ice plant (wholesale).
- w. Institution, including library, museum, school, day care center, but not disciplinary institutions or hospitals for human beings.
- x. Jewelry sales and supplies.
- y. Laboratory (experimental or testing).
- z. Laundry, cleaning, or dyeing works, including rug works and rug and carpet cleaning.
- aa. Nursery or greenhouse provided all outside storage other than plant material is enclosed by a six-foot high solid wall or fence on all sides.
- bb. Office.
- cc. Paint store.
- dd. Pet shop and/or pet grooming, provided there are no outside pens.
- ee. Photographic equipment sales and/or service.
- ff. Public utility structure and public building including fire and police stations.
- gg. Radio and/or television station, and /or motion picture industry activities.
- hh. Restaurant, provided there shall be no drive-in restaurant; and Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by NMSA 1978, § 60-6A-4.
- ii. Sales and display rooms or buildings for wholesalers, distributors.
- jj. Service station, including the sale of liquefied petroleum gas, but not for resale, provided any tube or tire repairing, minor auto repair or battery charging shall be conducted within a completely enclosed building.

kk. Sign, on premises, as regulated in the C-1 zone, provided that freestanding signs are limited to 10 feet in height and must be designed as monument signs with an enclosed base.

ll. Tailoring, dressmaking.

mm. The following uses must be conducted within a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence:

- (1) Building material storage and sales.
- (2) Contractor's equipment storage, rental, or sale.
- (3) Machine shop, blacksmith shop, ornamental iron shop, welding shop.
- (4) Manufacturing, compounding, assembling, or treatment of articles made from the following materials: Bone, shell, cellophane, cork, fibre, fur, glass, horn, leather, precious or semiprecious metals or gems, paint (not involving a boiling process), paper, plastics, textiles, yarn, tobacco, or wood.
- (5) Manufacturing, compounding, processing, packaging, treating, assembling, maintaining, repairing, overhauling, or rebuilding of the following products: bakery goods, candy, cosmetic goods, toiletries, dairy products, drugs, pharmaceutical goods, electrical appliances, mechanical devices, electronic instruments and devices, radios or phonographs, musical instruments, pottery, figurines, ceramics provided only previously pulverized clay and kilns fired by electricity or gas shall be used, signs, including electric or neon, billboards, commercial advertising structures, toys, and novelties.
- (6) Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves.
- (7) Warehouse.
- (8) Food processing.

- nn. One residence per business for a security resident employed on the premises provided that such accommodations are not used as rental property.
- oo. Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance, and as specifically allowed below:
 - (1) Face-mounted wireless telecommunications facility.
 - (2) Roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
 - (3) Concealed wireless telecommunications facility.
 - (4) Wireless telecommunications facility for which all antennas are mounted on an existing vertical structure.

Section 18.b 15. Special Use Permit, Industrial park, that provides suitable sites for a wide range of industrial and commercial uses, provided uses are conducted in a compatible and harmonious manner within commercial and industrial environments achieved through a development plan and further provided it complies with the following requirements:

- a. Yard Requirements. Unless otherwise approved in the development plan, all buildings in the park shall conform to the following yard requirements:
 - (1) Front Yard. There shall be a front yard having a minimum depth of 50 feet.
 - (2) Side and Rear Yards. There shall be a minimum side and rear yards of 20 feet; provided, however, that any side or rear yard abutting a residence in an A-1, A-2, R-1, R-2, or M-H zone shall have a minimum depth of 50 feet.
- b. Building Height:
 - (1) Buildings. The same regulations as in the C-2 zone except as provided in the Supplementary Height and Area Regulation Section of this ordinance.
- c. Maximum Lot Coverage:
 - (1) Principal and accessory buildings may occupy no more than 60 percent of the lot area.
- d. Off-Street Parking. Parking requirements shall be as provided in the Off-Street Parking, Loading and Unloading Regulations Section of this ordinance, except that no parking shall be permitted in the required yard areas.
- e. Landscaping. The front yard setback area and all yards abutting residential zones shall be permanently devoted to and maintained for the growing of trees, shrubs, lawns, and plants or other form of landscape treatment and shall also meet the Landscaping and Buffer Landscaping Regulations Section of this ordinance.

ANALYSIS:

Surrounding Land Uses and Zoning

This property is in a relatively undeveloped area of the County nearby Unser Blvd. and I-40, with A-1 zoning. There is no M-1 zoning near the site in either the County or in the City, so that this request for a straight zone change is inconsistent with the surrounding area. In addition, within the City's jurisdiction, industrial uses (existing or future) are under SU-IP zoning, as opposed to the open-ended M-1 zone. For instance, the Transportation Center being constructed nearby the site is now permitted under SU-1 (Transit Facility and Day Care) zoning. Also nearby the site within the City, are residential uses that are within 1000 feet of the site to the south and to the north on the other side of I-40.

Plans

The subject property is located in the Developing Urban Area of the Comprehensive Plan, in which 'single family residential' is the predominant use. However, the West Side Strategic Plan supports mixed uses for the Atrisco Park area, particularly due to its proximity to the Atrisco Business/Industrial Park. Moreover, the issuance of SU-1 IP zoning or Special Use Permits in the general vicinity of the site indicates that at least some new heavy commercial and light industrial developments may occur in the area.

The request, however, is for a zone change to M-1, which includes a great variety of light industrial uses such as truck storage and maintenance, warehouse, light manufacturing, and auto dismantling yards. Such uses may be too intense for this particular A-1 zoned site where more residential development potentially could occur, and it may constitute 'spot zoning', as there appears to be no other M-1 zoning in the area. The approval of SU-IP suggests that new non-residential development must be guided by development plans, which limit uses and site configurations.

In addition, although the site is generally in the Atrisco Park Community of the Westside Strategic Plan, the subject property is not in an area designated as a business center in any County plans. The property is about one-half mile from the Atrisco Park Activity Center, as shown on the Centers and Corridors map on the east side of Unser Blvd. The request also conflicts with related Comprehensive Plan policies (e.g., 7.h) that state that new commercial development should not be located outside the designated activity centers.

Zoning Ordinance

The applicant attempts to argue that this request is consistent with Resolution 116-86 of the Zoning Ordinance in that "changed neighborhood conditions" appear to have taken place including industrial (SU-IP) zoning to the east nearby of the site and the that A-1 zoning is no longer appropriate in the area. In addition, the agent states that request would not create a spot zone because it will help implement the plans for the area.

However, the contrary could hold true in that that land use changes may not have not occurred significantly enough in the immediate vicinity of the site to warrant the zone change at the present time including the fact that a majority of the nearby properties are still vacant with A-1 zoning. Further, M-1 zoning may not be an appropriate zone for this site given that there are different zones and uses (SU-IP and R-LT) nearby in the City and that M-1 zoning allows uses

that would be incompatible with the area. The justification statement also does not give any definitive evidence that this site would in fact develop with a specific use (e.g., an industrial park) or provide employment opportunities as related to the plans for the west side.

In addition, this request is not consistent with the Resolution because it would indeed create a 'spot zone.' The site is surrounded by A-1 zoning so that M-1 would not act as a transition zone for the area.

Agency Comments

Because this is a request for a zone change, agency comments are minimal and are oriented towards building permit requirements. The comments indicate that if the site is developed, departmental regulations (e.g., parking, water and sewer connections, grading and drainage) would need to be followed.

However, staff has identified several issues with development on the site at the present time (see Agency Comments below).

Public Works (Development review) comments state that Road improvements will be required on access roads to this site prior to any development of this property. Public right-of-way exists (90th St., Daytona Rd.) but has yet to be developed (800-1000 feet from the nearest paved road). The developer would be responsible for developing the road.

Public Works (Drainage Engineer) has determined that the rear portion of the property is in the flood plain, which may limit the types of development that can take place.

Environmental Health comments state that it appears water and sewer may be available for the property. The applicant would still need to connect to the Albuquerque/Bernalillo County sewer and water service, which appears to be about 1000 feet away from the property.

Conclusion

The subject site is within an area of unincorporated Bernalillo County with A-1 zoning, which is surrounded by properties in the City of Albuquerque mainly with SU-1 IP zoning or R-LT zoning.

The applicants and their agents have not justified why the zone change to M-1 is appropriate for a land use change for this property given the existing zoning and land uses in the area. The zone change would also create a 'spot zone' in the context of the properties that abut it with A-1 zoning, as well as those nearby in the City of Albuquerque. M-1 zoning could also potentially have a negative impact on the area, more so than under Special Use Permits with limits on the uses and on the scale of operations.

In addition, the request does not comply with Comprehensive Plan Centers and Corridors Map, which designates the locations of new commercial and industrial activities.

Staff is therefore recommending denial of this request.

ADDITIONAL STAFF COMMENTS, AUGUST 2, 2006 – AMENDED REQUEST FOR C-LI ZONING.

This request was deferred at the May 3, 2006 CPC hearing at the applicant's request. The request was originally for M-1 zoning on 5.16 acres, but the applicant has elected to change the request to C-LI zoning and to include two additional lots to the east of those originally included in the request. The total acreage is now approximately 12 acres.

Revised Justification

In the new justification for C-LI zoning, the agent states that the amendment of the request is based on the comments received from staff in the May 3, 2006 staff report and a subsequent meeting with staff, where the applicant indicated the intent to develop an industrial park on the site. He points out that many of the negative uses under the previously-requested M-1 zoning are not found in the C-LI zone and that the applicant will recruit companies that will bring employees to the area and that "the property could house a high quality firm that will assist in spurring related economic development in the vicinity of the Park and regional employment center."

The new request continues to include the previous arguments to the effect that this property cannot be developed under the existing A-1 zoning or with residential uses, which suggests changed neighborhood conditions. The agent points out that the subject site is next to properties in the City of Albuquerque with SU-1 zoning for light industrial uses and also the City's Westside Transit Facility,. He also notes that the owner of another 64 acres to the west and south of the subject property has simultaneously submitted a request for C-LI zoning and also that City Transit comments (May 3, 2006) stated that residential uses may not be appropriate for the site due to the proximity to the Transit Facility. The City of Albuquerque (Environmental Planning Commission) also indicated the preference for non-residential uses nearby the site when they annexed and rezoned large tracts of land (to SU-IP zoning) nearby the site in the late 1990s.

In addition, the agent states, the land use (light industrial) will be consistent with the Westside Strategic Plan (Atrisco Business Park) and the Comprehensive Plan Centers and Corridors Plan that shows the intersection of Unser and I-40 as a major activity center. The agent also states that the site is not in or adjacent to the activity center but that ' it has been made clear in the past through other actions and in other zoning cases that the intent of this area was to encourage job growth.'

Additional Analysis

Contrary to the view of the agent, it appears that C-LI zoning is not appropriate for this site and its vicinity, for many of the reasons cited above when M-1 zoning was being requested.

Surrounding land use and zoning. This property is in what is still an undeveloped area of the County nearby Unser Blvd. and I-40, with A-1 zoning. There is no C-LI or M-1 zoning near the site in either the County or in the City, so that this request for a straight zone change is inconsistent with the surrounding area. In addition, Section 15.5 (C-LI Commercial-Light Industrial Zone) states that "the Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as

commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.” Further, within the City’s jurisdiction, industrial uses (existing or future) are under SU-IP zoning, as opposed to the open-ended M-1 zone, and there also is a significant amount of residential development in the area that could be impacted by this development.

Although C-LI zoning removes some of the negative uses listed under M-1, it still provides no mechanism for limiting the type or intensity of uses on the site, or of imposing conditions. It also adds a number of commercial uses, which also might not be appropriate for the area (see page 6 above for a listing of the uses). The presence of SU-1 zoning may not be a primary justification in this case, given that SU-1 zoning is normally specifies uses includes a site plan and conditions of approval. Section 18.b.15 of the County’s Zoning Ordinance does list “Industrial Park” as a use that may be requested following the requirements of Special Use Permits where impacts to the surrounding area are mitigated by specific zoning and floor area ratio requirements and conditions of approval, although the applicant has elected not to pursue that option.

Plans. As noted above, although it appears to be generally in the Atrisco Park Community of the Westside Strategic Plan, the subject property is not in an area designated as a business center in any County plans. The property is about one-half mile from the Atrisco Park Activity Center, as shown on the Centers and Corridors map, on the east side of Unser Blvd., so that the request conflicts with related Comprehensive Plan policies (e.g., 7.h) that state that new commercial development should not be located outside the designated activity centers. Although the City of Albuquerque may have stated an interest in IP zoning for the area, this does not mandate what happens in the unincorporated areas of the County.

While C-LI zoning might limit the types and intensity of uses on the subject site, a straight zone change for this property would could encourage and facilitate the expansion and intensification of uses in this location that may be inappropriate and beyond that anticipated in the County land use plans.

Agency Comments

Because this is a request for a zone change, agency comments continue to be minimal and are oriented towards building permit requirements. The comments indicate that if the site is developed, departmental regulations (e.g., zoning, water and sewer connections, grading and drainage, traffic impact study) would need to be followed. Issues of the flood plain in the westerly portion of the site will also need to be addressed.

Conclusion

This is currently a request for approval of Bernalillo County’s new C-LI (Commercial/Light Industrial) zoning on approximately 12 acres on Daytona Rd. to the south of I-40 (The original request was for M-1). The main argument justifying the request is that the subject property is located in the “vicinity of” a Major Activity Center as designated in the Comprehensive Plan (Centers and Corridors Map). Staff has noted that this property is not in the activity center so

that it does appear to conflict with the Plan designation. Therefore, the request does not appear to be justified and could also be viewed as a 'spot zone'. Related to this, the request is not consistent with the intent of the C-LI zone because it is not adjacent to an M-1 or M-2 zone or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans. In addition, some of the permissive uses allowed by C-LI zoning could have an adverse effect on the neighborhood in which it is proposed.

Analysis Summary

Zoning	
Resolution 116-86	Has not demonstrated that zone change to C-LI is appropriate as opposed to residential use or Special Use Permit; constitutes a spot zone; Does not facilitate the realization of the County land use plans.
Requirements	Allows uses that would negatively impact the neighboring properties; no conditions imposed for regulating activities.
Plans	
Comprehensive Plan	Zone change is not consistent with Comprehensive Plan policies for new industrial or commercial development in designated areas (activity centers).
Area Plan	Not clear if the site is in the employment center designated in the West side Strategic Plan.
Other Requirements	
Environmental Health	Provide sewer and water availability statement, connect upon development
Public Works	Will require grading and drainage plan and traffic study with development.

FINDINGS:

1. This is a request for a zone map amendment from A-1 to C-LI on Lots B-20, B-21, B-22 & B-23, located south of I-40 on the north east corner of Daytona Road and 90th Street, containing approximately 12 acres.
2. The property is zoned A-1 and is located in the Developing Area of the Albuquerque/Bernalillo County Comprehensive Plan and in the Atrisco Park Community within the West Side Strategic Plan.
3. The placement of C-LI zoning on this site is not consistent with the Albuquerque/Bernalillo County Comprehensive Plan Centers and Corridors Map designation in that the site is not located within a Major Activity Center.
4. The request is not consistent with Section 15.5 (C-LI Commercial-Light Industrial Zone) which states that "the Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans in that the site is not adjacent to M-1 or M-2 zoning and it is not in an area defined as a commercial, industrial or primary employment center.
5. This request conflicts with Resolution 116-86 in that it would create a 'spot zone' as adjacent properties have A-1 zoning in the County and SU-1 and R-LT zoning in the City of Albuquerque.
6. This request conflicts with Resolution 116-86 in that the applicants have failed to demonstrate that the existing zoning is not appropriate.
7. This request is not consistent with the health, safety, and general welfare of the residents of the County.

RECOMMENDATION:

DENIAL of CZ-60008, based on the above Findings.

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

(FOR C-LI request)

Building Department:

NO ADVERSE COMMENTS.

Environmental Health:

City of Albuquerque water and sewer appears to be available to this property, where applicable availability should be coordinated with City Public Works. A water and sewer availability statement will be required. Please contact the Water Utility Authority at 924-3989.

Upon development -

- a. provide a wastewater system and a drinking water system that meets the most current ordinances of Bernalillo County.
- b. obtain permits from the COA Air Quality Div. for soil disturbance and fugitive dust.
3. mosquito control plan for any on-site ponding.

No Adverse Comment to Zone Change.

Zoning Enforcement Manager:

NO ADVERSE COMMENT FROM ZONING AT THIS TIME.

Zoning Administrator

The C-LI zone was recently added to the Zoning Ordinance to allow for certain higher-intensity commercial uses, as well as lighter manufacturing and industrial activities. This zone essentially permits uses which occur in the C-2 zone (minor auto repair, retail sale of goods and services, and institutions) while also establishing limits and requirements for uses related to building material storage, sales of contracting equipment, and warehousing activities.

Perhaps the most unique feature of the C-LI zone is an owner's ability to seek conditional use approval to allow for a live/work development. As the M-1 and M-2 zones specifically prohibit residential development other than a watchman caretaker's unit to protect the general health and safety of county residents, the C-LI recognizes that some industrial and manufacturing uses can be used in conjunction with, or be within close proximity to, dwelling units.

It should be noted that recent changes to the M-1 and M-2 zones have been reflected in the C-LI concerning the proper screening of materials that will be stored outside. Section B.2.mm. limits the height of items, materials, equipment, supplies, etc. which are stored outside of a building to be of a height no greater than that of the provided fence. If a six-foot fence is

provided to meet the screening requirements, items stacked on the property cannot exceed the height of the fence.

Fire:

NO ADVERSE COMMENTS.

Public Works:

DRAN:

1. This property is subject to the Bernalillo County Code Chapter 38 for flood damage prevention and storm drainage.
2. A grading and drainage plan is not required, at this time, as a condition of approval of this zone change request, because no significant changes to the current development are explicitly or implicitly implied.
3. A grading and drainage plan, prepared by an engineer licensed in the State of New Mexico, approved by Bernalillo County Public Works Division is required of the entire site prior to any future development, and / or site regrading or resurfacing. This site appears to require access improvements. The grading and drainage plan shall include access roadway analysis and design.
4. A portion of this property appears to be within a designated 100-year floodplain as shown on the National Flood Insurance Program's Flood Insurance Rate Map (FIRM). Existing storm water flows must enter and leave the property in historic conditions. Any development of this property must conform to the Bernalillo County Flood Control Damage Prevention Ordinance. The property may be subject to flood insurance requirements of the Federal Emergency Management agency (FEMA). Flood insurance is likely to be required for development of these properties. Development in and around the floodplain will have to be addressed specifically by a grading and drainage plan.

DRE:

1. Road improvements will be required on access roads to this site prior to any development of this property.
2. A Traffic Impact Analysis addressing area concerns will be required prior to further development of this property.
3. No adverse comments to this zone change.

Parks & Recreation:

REVIEWED, NO COMMENT; REVIEWED, NO COMMENT 7/3/06

Sheriff's:

No comment received.

COMMENTS FROM OTHER AGENCIES

MRCOG:

No comment.

AMAFCA:

Parcels in Atrisco Business Park, I-40/90th, (J-9)

No objection to zone change request. AMAFCA notes that a portion of the property is in a FEMA floodplain. AMAFCA's planned West I-40 Diversion Channel project north of the interstate will remove the floodplain. The owners may be required to participate in an agreement to help fund the channel project.

No objection to requested action. AMAFCA has no additional comments to May 3 response.

City Planning Department:

City of Albuquerque Development Services has no adverse comment.

City Public Works:

Transportation Planning: No comments received.

Transportation Development: No adverse comments.

Water Resources: No adverse comments.

City Transit:

No ABQ Ride service is within walking distance of the site.

Transit agrees that non-residential uses would be preferable in this area, in close proximity to Transit's Daytona Maintenance Facility where bus maintenance and operations may occur 24 hours a day in the future.

City Open Space:

Open Space does not have any comments for projects to be heard August 2, 2006.

NMDOT

Case description: Zone change request from A-1 to C-LI

Location: Albuquerque, south of I-40 between Unser (NM 345) and 98th Street

Type of development (Residential/commercial): Commercial

Possible Impacted NMDOT roadway(s): I-40, Unser (NM 345) and 98th Street

Departments Comments: The NMDOT needs to make sure that provisions for a Frontage road

on the south side of I-40 are incorporated into the development plan and that a Traffic Impact

Analysis (TIA) is conducted in conjunction with the development of the property.

COUNTY PLANNING COMMISSION
AUGUST 2, 2006
CZ-60008

PNM

No comment based upon the information provided to date.

NEIGHBORHOOD ASSOCIATIONS: